

**WILLIAMSBURG CITY COUNCIL**  
**May 10, 2007**  
**MINUTES**

The Williamsburg City Council held its regular monthly meeting on Thursday, May 10, 2007, at 2:00 p.m., in the Council Chambers of the Stryker Building.

**ATTENDANCE**

Present were Ms. Zeidler and Messrs. Haulman, Chohany, Freiling and Braxton. Also present were City Manager Tuttle, City Attorney Phillips, and City Clerk Crist.

Staff Attending: Assistant City Manager Miller, Assistant City Attorney Workman, and Department Heads Nester, Hudson, Weiler, Serra and Walentisch.

**CALL TO ORDER**

Mayor Zeidler called the meeting to order.

**COUNCIL MINUTES**

*Mr. Freiling Moved That City Council Approve the Minutes of April 9 and 12, 2007. The Motion Was Seconded by Mr. Braxton.*

*Recorded Vote on the Motion:*

*Aye: Freiling, Braxton, Zeidler, Haulman, Chohany*

*No: None*

**MATTERS OF SPECIAL PRIVILEGE**

**Presentation of Governor's Proclamation for "Bike Month," presented by Nancy Carter, Williamsburg Area Bicyclists**

Ms. Carter, said that it was a pleasure to represent the bicycling community and to present the Governor's Certificate of Recognition of May 2006 as "Bike Month" in the Commonwealth. After reading the recognition, Ms. Carter presented it to the Mayor. "Pedal the Parkway" t-shirts were given to the clerk for distribution to Council members.

Mayor Zeidler thanked Ms. Carter for the presentation. One of the city's goals is to be bike and pedestrian friendly by providing bike lanes and bike paths, and working with its surrounding counties for a regional system.

**Economic Development Authority Business Appreciation Award presented to Second Street—An American Bistro**

Mayor Zeidler invited Mr. John Tarley, Chair of the Economic Development Authority, to join her at the podium to present the 2007 award to Second Street—An American Bistro to its owners John and Mickey Chohany.

Mr. Tarley said that the Chohans have owned the restaurant since 1985. In January 2006, the restaurant was introduced as "smoke free," and its staff were encouraged to stop smoking and offered smoking cessation courses. In January 2007, "Second Street" closed for extensive interior and exterior renovations, and recently reopened as "Second Street—

An American Bistro.” Mr. Tarley said it was a pleasure to present the award to the Chohanys.

Criteria for the award include length of time in the city, products and services offered, service innovativeness, increase sales, contribution to the community, excellent customer service and environmental sensitivity.

Mr. Chohany regretted that his brother could not be present, but this was a busy time for them. He appreciated the recognition by the EDA. His brother and he were glad that they decided to reinvent themselves. They appreciate the people who work for them and support them.

On behalf of citizens, Mayor Zeidler congratulated the Chohanys on receiving the award and for reinvesting in their business and in the city.

Business Appreciation Week: Mayor Zeidler noted that the city proclaimed this week as Business Appreciation Week in Williamsburg.

Introduction—Dave Johnson, the New Undersecretary of Public Affairs, College of William and Mary: Mayor Zeidler thanked Mr. Johnson for attending and said that Council looked forward to working with him.

## **PUBLIC HEARINGS**

### **PCR #07-003: Request of Armistead House, LLC for a Special Use Permit for a Hotel with Up to Eight Bedrooms at 320 North Henry Street.**

Reference for this item was Mr. Nester’s report dated May 10, 2007. Ms. Murphy explained that Armistead House, LLC, is requesting a special use permit for a hotel with up to eight bedrooms at 320 North Henry Street. The property is zoned LB-1 Limited Business Downtown District, and this use is permitted with approval of a special use permit. Six parking spaces are located on the lot behind the building. The building has been vacant for twelve years. It is located in the Architectural Preservation District; the ARB has reviewed and approved this case. The use of the building as a small hotel is an appropriate use. However, staff recommended the number of rooms should be limited to six because only six parking spaces are available. Planning Commission held a public hearing on this matter and recommended approval with conditions.

Ms. Murphy said that an ADA accessible room will be located on the first floor.

Mr. Freiling said that the context of the lots surrounding this piece of property does impact the entire corridor. At the request of Mr. Freiling, Ms. Murphy reported on other projects in the area. The Health Evaluation Center has obtained financing, resolved some interior design issues, and received approval from the ARB to slightly increase the height of the building. The approved Lawson House project is progressing and should be relocated in a couple of weeks.

Mayor Zeidler opened the public hearing.

**Mr. Victor Smith, 646 Counselors Way**, addressed the character of the house and appreciated that the original windows would be retained. This is the reuse of a wonderful

building. Williamsburg needs to be a livable city; one that keeps its character while recognizing the need for modernization. Mr. Smith supported the Planning Commission's concept of six bedrooms because of the limited parking.

The public hearing was closed.

Ms. Murphy explained the arrangements regarding an attendant on-site at the hotel during certain hours. This is not like a B&B; the owners do not plan to live on the property. This property is in the downtown parking district which does not require any parking. However, since people will be staying overnight, the six parking spaces were provided.

Mr. Braxton appreciated preservation of this old home. Mr. Freiling appreciated the efforts of the owners to improve the exterior aesthetics and for their sensitivity and efforts to refresh the building.

*Mr. Freiling Moved That City Council Approve The Request of Armistead House, LLC for A Special Use Permit for a Six Room Hotel Contingent Upon the Following:*

- 1. A maximum of six bedrooms for the proposed hotel.*
- 2. A minor site plan being submitted and approved by staff, which must include the following:*
  - ADA access and parking space from the rear parking area to the building.*
  - A landscape plan to include at a minimum of three deciduous shade trees and foundation plants around the building.*
- 3. Each unit (room or suite) shall have a private bath, with the total number of bedrooms not exceeding six.*

*The Motion Was Seconded by Mr. Braxton.*

*Recorded Vote on the Motion:*

*Aye: Freiling, Braxton, Zeidler, Haulman, Chohany*

*No: None*

**PCR #07-008: Amendment of the Zoning Ordinance, Downtown Business District B-1, to Allow a Maximum of 10 Dwelling Units on An Individual Lot and to Add Side and Rear Yard Requirements When Adjacent to a Lot in a Residential District or the CW District, Proposed Ordinance #07-23**

Reference for this item was Mr. Nester's report dated May 10, 2007. Mr. Nester explained that these changes were proposed to implement a portion of the recommendation of the 2006 Comprehensive Plan for the Center City North area. Mr. Nester pointed out the area affected by this amendment on the Comprehensive Plan map and Zoning map. No changes in density are proposed. The only changes to be considered are the maximum of ten dwelling units per lot and changes to the side and rear yard requirements when a building is adjacent to a lot in a residential district or a lot in the CW District. This is a simple proposal with little change.

Mayor Zeidler opened the public hearing.

**Terrance Wehle, 412 Harriet Tubman Drive**, supported this proposed amendment and density. The new setbacks seem to be an improvement. Mr. Wehle had concerns about identifying property for future development, and developing it. He was concerned with

increased density to 14 units per acre in LB-1; properties could be combined and developed for business with condos above. Perhaps Council could talk about the pros and cons of the SUP and density, and the reason for changing RDT to a business zoning, and making Richmond Road a business corridor.

**Victor Smith, 646 Counselors Way**, supported Mr. Wehle. He was concerned about the change in character. He did not see the need to rezone all of the area indicated on the map in red.

**Nanci Bond, 416 Suri Drive**, referenced her April 29 e-mail. She was concerned about the impact and consequences of this rezoning. The city is at a tipping point; will we continue to have our charm and character? She was concerned about the impact of more development. It is harder to go back and fix mistakes. Consequences must be considered. Ten units per lot is open to interpretation and needs to be clarified and limited. She was under the impression that B-1 zoning allow uses such as gas stations and outsized buildings. She urged that the SUP process be applied to any increase in density through the rezoning process. She noted that the Planning Commission discussed who has the authority to regulate the requirement for on-site management of hotels/motels/inns. What kind of places and reputations will these places have if they have no 24 hour supervision, which could damage our reputation for quality stays and damage revenues.

**Alicia Diehl, 900 South Henry Street**, concurred with the last few speakers. She was concerned about where the city is going. She used to live in Fredericksburg, and could hardly find the historic area—and thought this could be Williamsburg. No one has asked for this B-1 zoning. She was concerned about the uses that would be allowed and the impact on Williamsburg by what will be around the Historic Area. We have to be thoughtful about changes to our character and the consequences. There are no reasons for these big changes; we like the city the way it is.

**Gladys Victor, 704 Powell Street**, concurred with the previous residents.

No one else wished to speak. The public hearing was closed.

Mr. Haulman clarified that this proposal limits the number of residential units per lot and provides for additional yard requirements in the B-1 District. Uses or changes to existing B-1 designations are not under consideration.

Mr. Chohany said that Council was being careful and controlling growth. Mr. Braxton concurred.

Mr. Nester said that this amendment to the zoning ordinance will further restrict what can be done on properties in the B-1 district. He did not see how the language in this proposed ordinance could be interpreted any differently.

Mayor Zeidler said Council has slowed down the implementation of the Comprehensive Plan because it was listening to people and this proposal represents part of that slowing down and limiting.

*Mr. Chohany Moved That City Council Adopt Proposed Ordinance #07-23, An Ordinance Amending the Code of the City of Williamsburg, Chapter 21, Zoning, B-1 District, Sections 21-295 (a) , 21-297 (2) and (3), Lot Area, Density and Yard Requirements. The Motion Was Seconded by Mr. Freiling.*

*Recorded Vote on the Motion:*

*Aye: Freiling, Braxton, Zeidler, Haulman, Chohany*

*No: None*

*(See Attached Adopted Ordinance #07-20)*

**Approval of the Hampton Roads Transportation Authority, *Proposed Resolution # 07-05***

Reference for this item was Mr. Tuttle's report dated May 3, 2007, which included a copy of the proposed resolution and supporting materials. Mr. Tuttle said that notice was given of today's public hearing pursuant to General Assembly action that puts before Council approval of the HRT Authority, which provides funding for six regional transportation projects. Council received a briefing on this matter by the City Manager at the work session.

Mayor Zeidler opened the public hearing.

**Mr. Jim Salvator, 1010 Worplesdon, James City County**, thought that this legislation was very unfair. Roads are a state responsibility, not local or that of a convened authority. People will be taxed twice; taxes for state roads and the ones in our region. Improvements are necessary but there are fairer ways to pay for them. In 2002, people defeated a similar measure. The Legislature is avoiding responsibility and created unholy districts. People will be taxed individually. He hoped this measure would be defeated. There is something we can do—work hard to convince candidates for the upcoming election to support an increase in the gas tax. There would be no additional administrative cost. The Authority members would be appointed with no oversight, which is taxation without representation. Defeat this and send it back to the General Assembly. This legislation would end on December 31 of any year when the legislature approved money equal to or more than what would be necessary to build these roads.

**Andrea Chessic, Holly Hills**, asked how the word "vehicle" is defined in the legislation; why does the legislation refer to tax on car repairs and not vehicle repairs; tax on rental cars but what about trucks; tax on the sale of real estate, but what about rental transactions? She would appreciate clarification.

**Fran Going, 104 Suri Drive, Brandywyne**, said he and his wife live on Social Security and life savings. They have already reduced their expenses and if they are burdened with these additional expenses, something will have to give. Optional expenditures and donations will have to be reduced. If this proposal is passed, it will affect spending in other areas in the city. He would appreciate Council's consideration.

**John Patrick Slater, 516 Ashwood Drive**, spoke in opposition to this proposal. Senator Norment has said this was a bad bill, but it was all that could be done. This bill should go back to the General Assembly and let them try again. This benefits the other side of Hampton Roads, but what about the Peninsula? I-64 will be widened which will only increase traffic to only bottleneck at the Hampton Roads Bridge Tunnel. This will increase

the taxes in Williamsburg to support other jurisdictions. It is a bad bill and he hoped Council would not support it. He referenced the Mayor's quote in the *Virginia Gazette* regarding this is not the way Council would like these projects to be funded. He asked that Council vote against the act.

**Cathy Chaplin, Chair of Greater Williamsburg Chamber and Tourism Alliance Board of Directors**, spoke in support of the establishment of the Authority. The Alliance's top priority on its legislative agenda for the past two years has been transportation and the need to offer solutions to this problem that has the potential to cause economic decline in this area and in the Commonwealth. The Authority provides a solution to address the transportation concerns in Hampton Roads. She urged Council to be the fourth municipality to approve the Authority.

**Barry DuVal, L&B Quarterpath**, admired the public service and appropriate comments from citizens about this issue. He was in local and state government for many years, and he learned that cities do not grow and prosper along political boundaries, but rather along economic boundaries, as well do regions. Three critical features that were necessary for regions to grow and prosper: a great work force, intellectual capacity, and connectivity to the outside world. Hampton Roads has two of the ingredients, but the connectivity to the outside world is at risk. The legislative process has not produced the best solution, but unfortunately, looking at the last 20 years of the legislative process, it may be another 20 years before the commonwealth addresses transportation needs. He encouraged Council to support the Authority, and then work towards improving it in the future.

**Nanci Bond, 416 Suri Drive**, supported Virginia raising the gasoline tax for the benefit of the state.

**Victor Smith, 646 Counselors Close**, said that transportation is not a local problem but a statewide problem. He referenced the reasons for the closing of the Ford Plant in Norfolk. It does not make sense to double tax people here. It will take courage to say no to the state and figure out how to lobby against some of the insane state projects. This needs to be kicked back to the State. State government is not going to fund something that they have found someone else to fund. Local communities don't need this burden. The function of the Authority makes sense, but not this way of funding. We need a coalition of people to get this legislation back on the docket. Once a piece of legislation is written, it is not hard to amend it, but once it is written and to make changes to something that is considered "solved," by a whole lot of people in the state who do not live here or in Northern Virginia would be ludicrous. Those borders would be shut down and the gates will be closed. He strongly objected to this.

No one else wished to speak. The public hearing was closed.

Mr. Tuttle address the questions posed by citizens:

Define "vehicle"—the new vehicle taxes would apply to the same vehicle categories that are taxed at this time.

Real estate tax—the \$1.00/\$1000 Grantors Tax paid by the seller of property would increase another 40 cents.

Mayor Zeidler clarified that the transportation legislation has three parts: statewide projects money, which would continue to flow into this region for various projects; it gives authority to the already created Northern Virginia Transportation Authority; and it creates the transportation authority in Hampton Roads as a funding mechanism for six regional projects that have been approved for over a decade. The Authority could not use generated funds for anything other than the approved projects. While this is not the way she would have chosen to fund the projects, there were other ways to fund, but that is not what the General Assembly put before us or gave us the ability to do. We need transportation improvements and the money for them. This is a way, although imperfect, to make those improvements, and improve the legislation in the coming years. If we do not take this opportunity, we will not see anything from the General Assembly for years and years.

Mr. Haulman was torn about this issue. The city has been talking to its state representatives about transportation improvements for years. He did not like the grantors tax or other elements. Do we send it back or do something to help our region function as a region and benefit from the improvements. The costs are heavy but there are big benefits.

Mr. Phillips responded to Mr. Chohany that any vehicle title registered through DMV is subject to the registration tax, with exceptions for governmental transports.

Mr. Chohany was torn on this issue. Council knows the challenges of our transportation system and its effects. The city has been placed in a compromising position by this legislation. He did not like the grantors tax, and supported a user-driven method. He was reluctant to go back to the General Assembly.

Mr. Braxton felt this was sad and frustrating. The GA passed the buck to well-managed cities and counties and has defined its parameters. If we do not vote for this the General Assembly could delay our transportation process, and we could be looking at another 20 years of decrepit roads. Newport News, Virginia Beach, and Norfolk have voted for this, and James City County will consider the issue next week.

Mr. Freiling did not like this option. The reality is that tourism is our economic engine. Real estate values have increased but we have one of the lowest property tax rates in Virginia. Tourism is not successful if people cannot get here; it impacts the quality of services and our quality of life. Other localities have additional ways of gaining funds such as ports, but they need good transportation or their quality of life will be impacted. This is an all or nothing package. He did not like the grantors tax on all homes or on automobile repair. Why are we disincenting people to have safe vehicles, especially the people that will pay more tax frequently are the people that drive older cars. Why not pay a fee on the purchase of new cars; instead there is a title tax on all vehicles. The burden is placed on the people who should not be paying for this. For years, we have asked the General Assembly for help, and this is what we have. How long will it take to build the roads that we are trying to fund, and what happens in the meantime? He would prefer a statewide approach such as a gas tax and tolls, but that would require cooperation from the entire state. We should stand with the other localities in Hampton Roads and make this option work; it is the only one we have.

Mayor Zeidler said these projects are important to the future of the region. There are no alternatives to fund them. No one likes it. Entering into this Authority and trying to make it

work, should be considered self-help. It is a mechanism to try to take care of our transportation problems. This may be our only opportunity.

*Mr. Freiling Moved That City Council Adopt Proposed Resolution #07-05, Resolution of the City Council of the City of Williamsburg, Virginia, Approving the Powers Granted by the General Assembly of the Commonwealth of Virginia to the Hampton Roads Transportation Authority Pursuant to the Hampton Roads Transportation Authority Act, Section 33.1-391.6 Et Seq. of the Code of Virginia of 1950, As Amended. The Motion Was Seconded by Mr. Haulman.*

*Recorded Vote on the Motion:*

*Aye: Freiling, Braxton, Zeidler, Haulman*

*No: Chohany*

(See Adopted Resolution #07-05)

### **Budget Adoption**

**Budget for the Fiscal Year Commencing July 1, 2007, Resolution #07-04 (Schedule A--Proposed Budget; Schedule B--Local Tax Levy; Schedule C—Capital Improvements); and**

**Proposed Water Rate of \$3.30 per 1,000 gallons, Proposed Ordinance #07-24**

Reference for this item was a copy of the proposed resolution with attached schedules and the proposed ordinance adopting the water rate. Mr. Tuttle said that City Council held a public hearing on the budget at its April 12 meeting. Mr. Serra provided Council with an update on the budget at the May work session. The proposed resolution will adopt the budget, the local tax levy and the Capitol Improvement Program for fiscal year beginning July 1, 2007. The proposed ordinance would establish the water rates for the next year.

Mr. Freiling disclosed that he is an employee of the Colonial Williamsburg Foundation. There is a significant line item within the budget that relates to funding for marketing for the Foundation. Any vote that he renders is not an endorsement of that specific line item, but rather support for the fiscal policies and management that the city staff has exhibited. He has not discussed or voted on this line item in the past, nor will he in the future.

Mayor Zeidler disclosed that she is an employee of the Jamestown-Yorktown Foundation. A line item "Outside Agency Funding" portion of the budget supports the Foundation. It is an amount that does not affect her judgment on the budget. She has not and will not discuss this item, and her vote is independent of that line item.

*Mr. Haulman Moved That City Council Adopt Proposed Resolution #07-04, Budget Adoption Fiscal Year 2007-2008 (Schedules A, B,C). The Motion Was Seconded by Mr. Chohany.*

*Recorded Vote on the Motion:*

*Aye: Freiling, Braxton, Zeidler, Haulman, Chohany*

*No: None*

(See Attached Adopted Resolution #07-04)

*Mr. Haulman Moved That City Council Adopt Proposed Ordinance #07-24, An Ordinance to Amend Section 19-75(a) of the Code of the City of Williamsburg Governing Water Charges. The Motion Was Seconded by Mr. Braxton.*



*Recorded Vote on the Motion:*

*Aye: Freiling, Braxton, Zeidler, Haulman, Chohany*

*No: None*

(See Attached Adopted Ordinance #07-21)

Mr. Haulman thanked Mr. Serra, Mr. Tuttle, and department heads for their work on the budget and for making Council's job easier. He noted the highlighting of the Human Services budget as recommended in the Auditor's report.

Mr. Haulman said that his one concern was the education portion of the budget. Not so much from the difficulties of negotiating this year's school budget, although it was an exceptionally contentious process, but, rather from more fundamental concerns. It was no longer clear to him that the coincidence of values between our city's citizens and the schools that have served us so well in the past continue to exist. It is no longer clear that schools that should serve to bring a community together continue to do so, as the administration and school board act in ways that increasingly divide the community. It is no longer clear that the millions of dollars the city spends to educate our young people brings the kind of results for all our students that they deserve. And there are more. Where these concerns lead is to the belief that the city needs to take a careful and considered look at what our young people gain from the current system and what they might gain from alternative educational options. And for the sake of our youngsters, we need to do so sooner rather than later.

Vehicle Alternative Energy Sources: Mr. Freiling asked for information about alternative fuel source vehicles and ways in which the city could be a leader in exhibiting environmentally friendly behavior and becoming a green community within its limitation. We should also look at construction aspects. Are there other options we are not aware of to help protect the environment for future generations? Mr. Tuttle responded that he will do some research and gather information about where the city can be most effective, including new opportunities. He noted that the public works department has met the DEQ's E<sup>3</sup> certification, and is working on E<sup>4</sup>.

## **REPORTS**

### **Monthly Financial Statement**

*The Monthly Financial Report was received and ordered filed.*

### **Monthly Operating Reports**

*The Monthly Departmental Operating Reports were received and ordered filed.*

### **Planning Reports**

#### **PC recommendation for implementation of Comprehensive Plan for Center City North**

Reference for this item was Mr. Nester's report dated May 10, 2007. Mr. Nester reported that at the last Planning Commission meeting, the members forwarded recommendations on the remainder of the Center City North cases. It was recommended that Council schedule a public hearing date for the cases as recommended for adoption by the Planning Commission:

**PCR #07-009:** Rezone two areas to B-1:

- **(C)** 205, 215 and 227 Richmond Road; 196 Armistead Avenue; and 616 Prince George Street (NW corner of Richmond Road and Armistead Avenue – Williamsburg Baptist and Williamsburg Presbyterian Churches); and
- **(E)** 747 Scotland Street (adjacent to Paul's Delly).

**PCR #07-010:** Amend the LB-1 District to increase the residential density to 14 dwelling units/net acre by right, with a maximum of 10 dwelling units on an individual lot.

**PCR #07-011:** Extend the Downtown Parking District west from North Boundary Street to the Delly corner at Scotland Street and Richmond Road, with revisions to match the recommended B-1 rezonings.

**PCR #07-012:** Amend the RDT District to require a transitional screening buffer when duplex and multifamily dwellings are adjacent to a lot in a single family PUD District.

Mr. Nester said that detailed information will be provided next month.

*Mr. Chohany Moved That City Council Schedule Public Hearings on PCR #07-009 (C. and E.) Through PCR #07-012, as Recommended by the Planning Commission, for the June 14, 2007 City Council Meeting. The Motion Was Seconded by Mr. Haulman.*

*Recorded Vote on the Motion:*

*Aye: Freiling, Braxton, Zeidler, Haulman, Chohany*

*No: None*

### **City Manager Reports**

#### **Increase to Courthouse Security Fee, Proposed Ordinance #07-25**

Reference for this item was Mr. Tuttle's report dated May 1, 2007. Mr. Tuttle explained that the 2006/2007 Virginia General Assembly enacted a Senate Bill which allows the governing bodies of Virginia localities to enact ordinances increasing the courthouse security fee. The proposed ordinance amends the City Code to reflect an increase in the courthouse security fee from \$5.00 to \$10.00, to be assessed as part of the costs incident to each criminal and/or traffic case in the district or circuit courts in which the defendant is convicted of a violation of any statute or ordinance. The collected fees will be remitted to the treasurer. The James City County Board of Supervisors approved this change on April 24, 2007. The new fee structure will be effective July 1, 2007. Mr. Tuttle recommended that Council approve the proposed ordinance.

*Mr. Haulman Moved That City Council Adopt Proposed Ordinance #07-25, An Ordinance to Amend and Restate Section 2-3 of Article 1 of Chapter 2 for the Williamsburg Code Pertaining to Courthouse Maintenance; Court Security and Jail Processing Fees. The Motion Was Seconded by Mr. Chohany.*

*Recorded Vote on the Motion:*

*Aye: Freiling, Braxton, Zeidler, Haulman, Chohany*

*No: None*

*(See Attached Adopted Ordinance #07-22)*

### **City Attorney Reports**

#### **Amendment to the High Street Contract**

Mr. Phillips explained that construction on this project would start soon. A lot of time has been spent on site and subdivision plans. A modification to the first stage of condominiums near Treyburn is needed. Roseland would like to purchase an additional 35 feet toward the BMP in order to create the plaza and work on underground parking more effectively. Mr. Phillips and Mr. Tuttle suggested that \$200,000 for the property to be applied to the purchase price of the amended condo 2 lot, when it is purchased by Roseland in the future for \$1.4 million. Mr. Phillips pointed out that according to the contract, Roseland cannot proceed with the purchase of the whole property until the commercial development is well underway. They also have the right to purchase two out parcels that front on Richmond Road, and they want to do that now for the price of \$566,720 for each.

City Council needs to authorize Mr. Tuttle and Mr. Phillips to review and go forward with an amendment to the contract and to execute the necessary documents.

*Mr. Haulman Moved That City Council Authorize the City Manager and City Attorney to Proceed to Review and Prepare an Amendment to the High Street Contract with Roseland Property Company Regarding Purchase of Additional Properties. The Motion Was Seconded by Mr. Chohany.*

*Recorded Vote on the Motion:*

*Aye: Freiling, Braxton, Zeidler, Haulman, Chohany*

*No: None*

Mr. Tuttle said that at this time the plans for the parking garage have not changed, but there was discussion about a building close to the garage. Mr. Freiling said that the parking structure was very important to his endorsement of the project and any modification is fine as long as the capacity does not change.

### **NEW BUSINESS**

#### **Appointments to Boards and Commissions**

*Mr. Haulman Moved That City Council Reappoint **Ms. Sarah Houghland** to the Williamsburg Library Board, effective July 1, 2007, for a four-year term to expire June 30, 2011; and*

*Reappoint **Ms. Shawn Holl** to the Social Services Advisory Board effective July 1, 2007, for a four-year term to expire June 30, 2011.*

### **OPEN FORUM**

Mayor Zeidler asked for comments.

**Victor Smith, Counselors Close**, inquired if there was an opportunity to make a proposal to the state that they fix the transportation in another way. This is not a regional issue. They should hear from citizens in the Commonwealth. He was appalled that the way citizens are being treated.

**Gil Granger, 302 Harrison Avenue**, addressed Council about crime in the city. He owns and leases property on Richmond Road which is subleased. The subtenant's guests are

parking on the grass. This is not a police violation, but a zoning violation, for which he is responsible as the owner of the property. He would appreciate any help Council could give in revising the ordinance.

Mr. Freiling commented that he agreed with Mr. Smith. Council's vote on this Authority should not be misinterpreted or misconstrued. He would like some vehicle to pass that along to the General Assembly, and that our position be conveyed to our partner communities. He would hope that if they feel the same, they would craft and present their own. Mr. Haulman suggested a Legislative Agenda item that discusses the ability of the state to take over funding of the transportation projects, and then in our annual meeting with representatives, make the same point. Mr. Chohany agreed. His "no" vote was against the process. He would feel more comfortable that we indicate the city's wishes and strong feelings about certain aspects of the legislation. He felt this legislation moved quickly and he would like to provide feedback to the Legislature.

Response to Mr. Granger: Mr. Phillips said that Ms. Workman and the Code Enforcement Officer have been in touch with the people that are parking on the grass. The Zoning Ordinance imposes the duty on occupants and property owners to park only in spaces for parking. This citywide zoning has been enforced all over the city. Mr. Phillips said the Zoning Enforcement Officer follows specific regulations about giving notice to the owners of the vehicle when possible. Mr. Chohany suggested that perhaps the college or parents should be notified. Mr. Phillips said this is not an on-street parking issue.

Mr. Phillips said the property owner should have control of his property and should expect the property to be used in the manner for which it was rented. The property owner should tell the tenants to cease parking on the grass. The cars could be towed, but certain steps would need to be followed.

The meeting adjourned at 4:08 p.m.

Approved: June 14, 2007

Jeanne Zeidler, Mayor

Shelia Y. Crist  
Clerk of Council